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Attorneys for Arizona Water Company

ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE FILING BY
 ARIZONA WATER COMPANY OF
 PROPOSED TARIFF NO. TE-264,
 TREATED EFFLUENT SERVICE.

W-01445A-00-0319

**ARIZONA WATER COMPANY'S
 RESPONSE TO THE CITY OF
 CASA GRANDE'S REQUEST FOR
 AWARD OF FEES AND EXPENSES
 AND ORDER BARRING
 EFFLUENT SERVICE**

Pursuant to the Commission's December 5, 2000 Amended Procedural Order, Applicant Arizona Water Company hereby responds to the City of Casa Grande's ("City's") Request for Award of Attorney's Fees and Expenses and Order Barring AWC from Serving Effluent dated December 1, 2000. Additionally, Arizona Water Company hereby states that it has no objection to Administrative Closure of this docket, and believes that, having withdrawn its Application in this matter on November 28, 2000, such closure is appropriate.

The City has made two remarkable and totally unsupported "requests." Initially, without citation to any statute, rule or authority, the City requests the Commission to enter an order requiring Arizona Water Company to reimburse it for attorney's fees and expenses allegedly incurred in "responding to" the Proposed Tariff. The City chose to respond to the Proposed Tariff by its own volition. It is not a projected effluent customer of Arizona Water Company. It has no direct or discernable interest in the proceeding other

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1 than carrying forward a plan of retribution for its failed attempt to condemn Arizona Water
2 Company's right to provide water utility service, including effluent, in the Company's
3 service area. That issue has been the topic of numerous filings in this docket, under a
4 separate ACC complaint launched by the City in Docket No. W-01445A-00-0391, and in
5 ongoing litigation in the state and federal courts. If anything, the City should be
6 admonished for abusing the Commission's processes to continue its bad faith efforts to
7 intimidate and deter Arizona Water Company from serving effluent to customers in its
8 service area and from protecting its property and rights from the City's unlawful and failed
9 condemnation attempt.

10 Additionally, the other cities and towns that expressed concerns regarding the
11 Proposed Tariff did so at the urging of the City. The City circulated letters to other
12 municipalities in the state urging them to make form appearances in this Proposed Tariff
13 proceeding to aid and abet the City in its campaign to harass and annoy Arizona Water
14 Company. To the extent those cities and towns have genuine questions about Arizona
15 Water Company's effluent service, the Company would prefer to address these matters
16 with the cities and towns individually so as not to take the time and energy of the
17 Commission and its Staff. Finally, as evidence by the City's own Request, there is
18 absolutely no authority whatsoever for an award of fees to a party such as the City who
19 responds to a proposed tariff. The Commission has routinely denied such requests in other
20 dockets.

21 The second and final request of the City is even more baseless than the first.
22 The City apparently seeks an order barring Arizona Water Company from serving or
23 delivering effluent in any manner throughout the entire State of Arizona (other than under
24 existing Tariff RW-256). This request is not properly the subject of this Proposed Tariff
25 proceeding, and would not be a justiciable controversy in this matter even if the Proposed
26 Tariff had not been withdrawn. The City has not – and cannot – state any justification or
27


28 ...

1 authority whatsoever for such a far-reaching order. The Commission should reject it out-
2 of-hand.

3 DATED this 12th day of December, 2000.

4 BRYAN CAVE LLP

5
6 By:



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11 **ORIGINAL** and 10 copies filed this
12 12th day of December, 2000, with:

13 Arizona Corporation Commission
14 Utilities Division
15 Docket Control Center
16 1200 W. Washington Street
17 Phoenix, AZ 85007-2996

18 **COPY** of the foregoing hand-delivered
19 this 12th day of December, 2000, to:

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21 Acting Assistant Chief
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25 Phoenix, AZ 85007-2927

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11 **COPY** of the foregoing mailed this
12 12th day of December, 2000, to:

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